

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Thomas Supranovich,

Petitioner,

v.

William Hutchings, et al.,

Respondents.

Case No.: 2:20-cv-02289-JAD-DJA

**Order Dismissing Improperly
Commenced Habeas Action**

Petitioner, a Nevada prisoner, has submitted a motion asking the court to appoint him counsel to assist him with filing a petition for writ of habeas corpus under 28 U.S.C. § 2254.¹ Petitioner has not, however, filed a habeas petition, which is necessary to initiate an action for habeas relief and for the court to determine whether appointment of counsel is warranted. Nor has petitioner paid the filing fee or filed an application to proceed *in forma pauperis*. As a result, this matter has not been properly commenced.²

IT IS THEREFORE ORDERED that **this case is DISMISSED** without prejudice to the filing of a habeas petition under 28 U.S.C. § 2254 in a **new** action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

¹ ECF No. 1-1.

² See 28 U.S.C. § 1915(a)(2), Rule 3 of the Rules Governing Habeas Corpus Cases Under Section 2254, and Local Rules LSR 1-1, 1-2.

1 IT IS FURTHER ORDERED that a certificate of appealability is denied because jurists
2 of reason would not find the court's dismissal of this improperly commenced action without
3 prejudice to be debatable or incorrect.

4 IT IS FURTHER ORDERED that **the Clerk is directed to:**

- 5 • SEND petitioner two copies each of an application form to proceed *in forma pauperis* for
6 incarcerated persons and a noncapital Section 2254 habeas petition form, one copy of the
7 instructions for each form, and a copy of the papers that he submitted in this action; and
- 8 • ENTER JUDGMENT accordingly and close this case.

9 Dated: December 30, 2020

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11 U.S. District Judge Jennifer A. Dorsey
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